

(THE)

TRIAL AT LARGE

THOMAS CLARKE, THOMAS CARTY,

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THOMAS CLARKE, THOMAS CARTY,

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AND

JOHN DEANE,

Who were Tried, Convicted, and received Sentence

of Death for Robbing Thomas Marsh, on the King's High-way, at Torsford, of 187 Dollars.

At the Summer Assize for the County of Suffolk,

HOLDEN, BEFORE

LORD CHIEF BARON SKYNNER.



Taken in S. H. O. R. T. is delivered in Court.

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PRICE TWO PENCE.

THOMAS CLARKE, THOMAS CARTY,
and JOHN DEANE,

Were arraigned upon 3 Indictments, one, for robbing THO. MARSH, of 187 Spanish Dollars.

The other, for robbing SARAH MARSH, of a Bundle of Clothes.

And a third, for shooting at the aforesaid THOMAS MARSH, but they were tried upon the first.

The first Witness called, was

Thomas Marsh, who deposed, that on the 7th of June last, I and my sister came to Kelsale Six Bells, there to refresh ourselves; and between 2 and 4 o'clock I saw five sailors coming to the door, I walked a few yards to meet them, and took hold of their hands, and said, ship-mates, I am glad to see you, I asked them where they were bound to, and they answered to London; I asked them the reason why they had so few clothes with them; they told me they were taken in a smuggling cutter, off Southwold, and they received nothing but what they stood in, and the mariner's compass; and they told me, they hove the mariner's compass into a whitethorn bush; I asked them if they would eat or drink with me, and any thing they would eat or drink, they should be welcome to; we were standing at the door, where I treated them with punch and flip, to the amount of about 5s. I told them I wanted to go on my passage, and imagined they wanted to go on theirs; I walked with them to the knowl, to take my leave of them; as I walked, I told them times were very dead in London, for seamen; and that they were hanging sea-

men every day; and that a ship was not to be got, except a man could give a good account of himself, and I thought it was best for them to go to some of these private sea-ports; I asked Tho. Clarke to lend me a knife, which he did, and I asked them if they had any money to assist them in their passage; they told me they had not above eighteen pence, or two shillings; I took the knife, and cut the lining of my jacket, and likewise, some stitches in the canvas bag which contained my money, and gave them two Spanish dollars. I took my leave of them, and then returned to the Six-Bells again; I was about 10 or 15 rod from it then. When I got to the house, I called for a pot of half and-half, to refresh myself again; and between 4 and 5 o'clock, these three men (the prisoners at the bar) came back to the Six-Bells, and these three were part of the five, that had been there before. With that, Tho. Clarke and I shook hands together, and he told me he was very glad to see me, for he did not know but it might be thirty or forty pounds in his pocket. He asked me to write a letter for him, and carry it to Southwold; I told him I would, and I did write the letter; I told him I would convey it with the greatest care, and do the utmost in my power to be a friend to them; after I had written the letter, I asked them if they would drink any thing; with that, they answered No I thank you shipmate; and I answered, I insist upon it you shall drink a pot of beer with me before we part; and I called for one, and paid for it; and when we had drank the beer, we took our leave, one of another again: they went away, and I staid behind, and when they were gone, I asked my sister if she would accompany me to the Tuns in Yoxford, and we would sleep there th

same night, and so then take the coach the next day. I told my sister that I was rather groggy, and it would be a party of passime to walk so far. I took up a bag of clothes upon my shoulder, which belonged to my sister, about 40lb. weight; as soon as I went out of the house, these same three men came to me again, and they said brother, as times go bad in London, we will go with you to Yarmouth. Well brother, said I, if you will, I will do the utmost of my endeavours to get you a ship. We walked about two miles, discoursing upon different subjects, and between 4 & 6 o'clock, this man (meaning one of the prisoners) that goes by the name of Tho. Clarke, was walking before me, and I close at his heels; and Tho. Carty was behind me; and John Deane was carrying my sister's bag, and walking along-side of her. Tho. Clarke drew his pistol out from the inside of his jacket, and turned round upon me, and put the pistol within 4 inches of my stomach; Tho. Carty had another at my back, the pistol was naked in his hand behind me, presented to my back. Tho. Clarke said to me, brother, we know that you have money, and we will have it, or your life; with that, I turned my head and saw John Deane have a pistol at my sister's head. I then told them, if they would treat me civilly, I would give them my money; I gave them a canvas pouch, containing 4s 6d, then I took out of my jacket, a canvas bag, containing 187 Spanish dollars, and gave him that. As soon as he received the bag, he fired the shot into me, with a pistol, loaded with 2 bullets: they went into my breast, here is the place,* with that, I ran over the road, and turned back, and saw this man, Thomas

* He here shew the wound; it was just under his breast.

Carty, who had the pistol at my back, go to my sister and presented the pistol to her head. I looked down and saw my shirt all in a flame, and myself bleeding like a hog when it is stuck; and I swept my hand down my shirt, and put out the fire; and said brother, I am a dead man; he said d——n your eyes, if you are not a dead man, you soon shall be, for I will give you another shot: I told him I did not know that, I would try which could run fastest; I ran about 40 rod, and overtook a gentleman on the road, on foot, leading a child in his left hand, I acquainted him in what situation I had left my sister in, and begged he would go to her assistance, and not mind me: I saw some people in a field adjoining to the road, I begged the gentleman to call to them to go to the assistance of my sister, and not to mind me, for I could not call them myself; with that, I dropped down, through loss of blood, and that is the whole account.

Question. Is the gentleman here?

Answer. No, my lord, he has had the misfortune to break his thigh, but I have a letter from him, (here the witness produced a letter from him, and a copy of the letter he wrote for Clarke).

Q. How did you hear of the gentleman?

A. I sent a great many people round the country to find him out, having given them a description of his dress.

The prisoners being asked if they would have any questions asked of the witness.—Clarke said, did I fire the pistol at you, or not?

A. Yes.

The Judge then asked Tho. Marsh,—Did you see any of the Prisoners after you ran from them?

A. No.

Q. How soon after did you see your sister?

A. About twelve minutes.

Q. Where did you go to?

A. To Yoxford town.

Q. Did you ever hear any thing of your money?

A. No.

The next witness called, was

Sarah Marsh, who deposed, that my brother and I was at Kelsale Six-Bells drinking together; between 2 and 4 o'clock 5 sailors came there; I stood by the door, and saw them come up, and the three men (meaning the prisoners at the bar) were part of the five; I stood by the door, when I saw them coming) with my brother, I said unto him brother, yonder come five sailors; my brother said yes, there do come five sailors, and he said he would go and meet them, and he did, and took hold of their hands, and asked them where they were bound to; and he asked them why they had so few clothes; and they said they were taken in a smuggling-cutter; he asked them if they would drink, and they said yes; he called for a pot of half-and-half, which being drank, he asked them if they would drink another, and they said yes, and when they had drank that, he asked them if they would drink called, and they said yes; and then he asked them if they would have another, and they said no, they would have some flip; and he called for some flip, and treated them, to the amount of five shillings; then he told them he wanted to go on his journey, and he thought they wanted to go on theirs; and he went part of the way with them; when he came back, he asked me if I would go to Yoxford, I said I would, and when we were going out, I saw

these three men coming up to us again, and one of them came and shook hands with my brother, and told him he was glad to see him, it might be 30 or 40l. in their way; he asked him to write a letter for him, which he consented to, and called for some paper, and went with Tho. Clarke into another room, the other two staid with me; they talked about being taken; my brother brought me the letter, and said he was to carry it to Southwold; he then asked them if they would drink, and they said no, I thank you; but he insisted upon their drinking with him again, and he called for a pot of half-and-half. And when they were gone, my brother asked me if I would go to Yoxford, as he was rather groggy; and he took up my bundle, and as we were going, we were met by these three men; and we asked them what they had done with the other two; they said they were gone up the London road; we walked about 2 miles, Tho. Clarke called his name Peter, (that is) one of the others called him Peter; and Tho. Clarke said to Tho. Carty—Richard, come back, I want to speak with you; Tho. Carty asked what he wanted with him; he said he wanted to speak with him, he would have him come back; he went back to him, they stood talking together 2 or 3 minutes; and I said to my brother, let us stop for these men; when Tho. Clarke came up to my brother, and clapped the pistol to his breast; Tho. Carty came up, and clapped another pistol to his back; Tho. Clarke said to him, we are low in the world, we know that you have money, and we must have it, or your life. John Deane presented a pistol to my head. My brother told Tho. Clarke, if he would treat him civilly, he would give him his money. My brother pulled out a to-

batco-pouch, and gave it to Tho. Clarke; and he
 said to him, d——n your eyes, it is not all you have
 got; my brother then put his hand into his pocket,
 and pulled out a canvas purse, and gave it him; on
 which Tho. Clarke said, d——n your eyes, is this
 all you have got; my brother said yes brother, it is.
 He then fired the pistol into my brother's breast; he
 ran back to the other side of the road, and when he
 saw his shirt, he stroked it down, and said, Lord have
 mercy upon me, brother, I am a dead man. Tho.
 Clarke said, d——n your eyes, if you are not dead,
 you soon shall, I will give you another shot; then
 Tho. Clarke charged his pistol again. My brother
 said to him, no, I dont know that, I will see which
 can run fastest. Tho. Carty then turned round, and
 clapped the pistol he had at my brother's back, to my
 breast, and said d——n your eyes, if you stir a step,
 or speak a word, I will blow your brains out. John
 Deane called out to Tho. Clarke, and said d——n
 your eyes, come back, and let us strip this w——e.
 Tho. Carty said no, d——n her eyes, let's shoot her.
 Tho. Clarke came back as I was going across the
 road, and I said, for God's sake spare my life to see
 my dear brother once more, he said, ah my dear it
 is a pity such a jolly girl as you, should be hurt; he
 said, I will be d——d if I have not done for your
 brother; I said, Lord have mercy upon me, I hope
 not; he said, he would be d——d if he could live,
 for he wou'd be d——d if he had not done for him.
 Tho. Clarke said, I might go to him; I begged of
 John Deane to let me have my clothes again. Tho.
 Clarke said, d——n your eyes, think yourself well
 off, that I have saved your life, and the clothes on
 your back. I then was going to my brother, and I

heard one of them say, d—n her eyes, I have a great mind to go back and shoot her now, with that, I shrieked out murder, and ran to my brother.

The Prisoners were then asked if they would ask her any questions. When Tho. Clarke asked her if John Deane had any pistol, she said yes; he said it was quite false, for I had one, and this man, (pointing to Carty,) had the other.—So help me Christ.

John Marsh was then called, who deposed, that on the 6th of June my brother had a large quantity of silver pieces in a large canvas bag. He poured them out on the table, I did not count them, but took a deal of notice of the weight, that they were very heavy, I suppose they weighed 10 or 11 lb.

Q. How long had your brother been home?

A. But few days.

Q. Where did he come from?

A. From south Carolina, in America.

Q. He told you he came from thence.

A. Yes, and we received several letters from thence.

Robert Boynes, being next called, but on his saying that Tho. Slip came to let him know, that a man was shot on the road.

Thomas Slip was called; who said, I lodge at a place, called Benham-lodge, and my master sent me to the collar-maker's, and I saw these men, now at the bar, going on the road, about a quarter of a mile off Saxmundham; I asked them if they were sailors; and I told them there were two men on the road enquiring for them. When I came to Saxmundham, I heard a hue-and-cry after some men who had shot a sailor on the road; and I went after them on horse-back; I had a good little horse under

me, and I got before them, and went to the house of Robert Boynes, and Tho. Boynes, and asked them to assist me; and they said, they would venture their lives to take them, and I told them, they had fire-arms with them.

Robert Boynes was then called up again, who said that Tho. Slip came to my house, and told me that a man was shot on the road, by some sailors, who were coming along the road, and asked me to assist him in taking them; and I told him I would run the risk of my life to take them; when they came within six yards of my house, I went up to them, I insisted upon their going into my house with me. I told them there had been a man shot on the road, they said, they were willing to come in, for they were not the men. After they were come in and sat down in my house, I went out and stopped two more sailors that came by afterwards. When I got them into the kitchen; I then insisted upon all five going into a little parlour of mine; where was my brother and four or five people with him by the house door, & I told him to go and nail the back door up, to prevent their getting out. When I went in, Thomas Clarke jumped up and said, d—m me, I will clear all my ship-mates, for I was the man that shot him, and here is the pistol: and as he drew it, my brother caught hold of it, and snatched it out of his hand. Then I went up to Carty and said, you dog you have got some of these weapons, and he said I have one fir, I will give it you, which he did; I then sent a person to Mr. Tuffell, to bring his handcuffs, to handcuff them, which he did; then I insisted upon searching them, and found about 3 shillings in silver, and 1 shilling in halfpence; they

had 2 knives, and a lead weight, and they threw some powder & balls down on the floor, and a flint.

On the prisoners being asked whether they would put any questions to this witness. When Clarke said that he was not the man who took them, It was another man ; he then asked what coin the money was of ; Boyne answered, English. Clarke said it was false, for it was French.

Tho. Boynes was then called.

Q. Tho. Boynes, did you hear any of the prisoners say who shot the man.

A Tho. Clarke said, gentlemen, I am he who shot the man, and I have the pistol in my jacket, and I got it out of his hand.

The prisoners being called upon for their defence :

Clarke said, my lord, we were not taken by that man, nor yet his brother ; and we were all in liquor together ; Tho. Marsh asked us to go back with him, for he ran away with that girl, and that he had a great deal of money with her ; and as we were going along the road. John Deane said to me if I had such a thing about me as you have, I would try and do some old farmer over ; I took it out to show him, and in taking it back, it some how or other went off ; I dont know how ; but I declare to God I did not rob him, so I am ready to die, but hope to clear my ship-mates.—

The Judge then addressed them thus :

“ Thomas Clarke, Thomas Carty and John Deane,
 “ you have each of you been convicted of robbing Thomas
 “ Marsh, on the King's highway, and adding thereto
 “ the greatest acts of cruelty. It is beyond all doubt that
 “ the man received the wound which he imputes to one of
 “ you, and the Jury having brought you in guilty, the
 “ sentence of the law is DEATH: But before I pronounce

* this sentence, let me exhort you seriously to consider the
 situation you are in, I hope the readiness one of you
 seems to express to suffer death, is not grounded upon
 the pain of departing this life only, for remember it
 is not the pain which you have to suffer in departing
 this life is all you are to undergo, no; remember your
 existence does not end with the grave, no, for you must
 “ exist beyond the grave, and the pains you will feel in
 “ the execution of your sentence, are not to be compared
 with what you will feel hereafter, if you are not pre-
 “ pared to meet that Judge. And let me address you a-
 gain and again to make all the use you can of the time
 which is allotted you and the assistance which no doubt
 “ you will have, to ask forgiveness for your sins at the
 “ hand of God; endeavour to be at peace with him, seek
 “ earnestly to be reconciled to him, for he is a God of
 “ great forgiving mercy. It now remains for me to
 “ pronounce the sentence of the law upon you, which is,
 “ —that you be taken from hence, to the place, from
 “ whence you came, and from thence to the place of ex-
 “ ecution, where you are to hang by the neck, till you are
 “ dead, and the Lord have mercy upon your souls. I li-
 on Tho. Clarke, directly after the sentence said, I
 have one thing more to say, and that is, I think I
 have a right to to the pistols 18 JA 50
 and The Judge then addressed him in the following
 words. — “ Tho. Clarke, I am sorry the exhortation that
 “ with so much affection I have made to you, you should
 “ make so little use of, as now to require those instruments
 “ which you employed to the committing that crime for
 “ which you are now to suffer: besides, what use can they
 “ be to you who have so short a time to live, let me exhort
 “ you not to think of such trifles, which can do you no
 “ good, but set your mind on things of more importance.